

AN ORDINANCE AMENDING CHAPTERS 12 AND 14 OF THE TOWN OF HOLLYWOOD PARK'S PERSONNEL POLICY MANUAL REGARDING DISCIPLINARY AND GRIEVANCE MATTERS.

WHEREAS, the Town Council of the Town of Hollywood Park has established several departments to administer Town business; and

WHEREAS, the Town of Hollywood Park Personnel Policy Manual states each Department head shall report directly to the Mayor; and

WHEREAS, the Mayor may delegate authority to certain staff member to act on his or her behalf to administer Personnel Policies; and

WHEREAS, the Town Council finds that it should provide more discretion for Department heads to administer certain disciplinary matters to its employees; and

WHEREAS, the City Council finds that the Town of Hollywood Park Personnel Policy Manual should be amended to properly regulate such activities.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS:

THE TOWN OF HOLLYWOOD PARK'S PERSONNEL POLICY IS AMENDED AS FOLLOWS:

12.03 is hereby added and reads as follows:

12.03 APPEAL PROCEDURES FOR DISCIPLINARY ACTIONS

Appeal procedures, if any, for oral counseling, letter counseling, letter of reprimand, and suspensions of three days or under will be set out for each Department by each Department Head. All Department Head decisions are final and not subject to further appeal for oral counseling, letter counseling, letter of reprimand, and suspensions of three days or under.

Employees may follow the procedure set out below for Disciplinary Appeals for all other disciplinary actions, or if no Department policy exists for appeals for oral counseling, letter counseling, letter of reprimand, and suspensions of three days or under.

Except as otherwise provided by this ordinance, employees who have received a disciplinary action have a right to appeal as follows:

Step One: A written appeal by an employee must be presented to the immediate supervisor within three (3) working days of the disciplinary action.

The written appeal must clearly set forth what disciplinary action is being appealed, and the grounds for the appeal. The immediate supervisor will notify the department head of the appeal within three (3) working days from receipt of the appeal. The immediate supervisor or his/her designee has five (5) working days from the date of receipt of the appeal to respond to the employee in writing. The immediate supervisor can uphold in whole or in part, can modify, or can reverse the disciplinary action appealed. If the immediate supervisor does not provide a written response within the specified time period, the disciplinary action is considered upheld by default.

Step Two: If the employee is not satisfied with the immediate supervisors written decision or if the disciplinary action is upheld by operation of default, the employee may appeal to the Department Head, in writing, within three (3) working days of the immediate supervisor's written decision or default. The written appeal must clearly set forth what disciplinary action is being appealed, and the grounds for the appeal. The Department Head may hold a meeting with the employee, review necessary documentation, and respond in writing to the employee. The Department Head can uphold in whole or in part, can modify, or can reverse the disciplinary action appealed. The Department Head's decision will be given to the employee within (5) five working days. If the immediate supervisor does not provide a written response within the specified time period, the disciplinary action is considered upheld by default.

Step Three: If the employee is not satisfied with the Department Head's written decision or if the disciplinary action is upheld by operation of default, the employee may appeal to the Mayor or City Administrator, in writing, within three (3) working days of the Department Head's written decision or default. The written appeal must clearly set forth what disciplinary action is being appealed, and the grounds for the appeal. The Mayor or City Administrator can uphold in whole or in part, can modify, or can reverse the disciplinary action appealed. The Mayor or City Administrator will give the employee a written decision within (5) five working days. The Mayor's or City Administrator's decision is final.

All appeals under the process set forth above must be filed with the City Secretary's office. Appeals are not considered timely filed unless received by the City Secretary's office by the deadline. In order to proceed through any of the disciplinary appeal steps, an employee must first timely file and exhaust all initial steps. In other words, an employee must first timely file and exhaust the appeal process under Step One before an employee can appeal to Step Two.

Copies of all documentation relating to the disciplinary appeal will be forwarded to the City Secretary's office immediately upon conclusion of each step in the process to be placed in the employee's personnel file.

If the employee is dissatisfied with any proposed resolution during the disciplinary appeal process, he or she must appeal to the next step within the established time period. Failure to appeal presumes that the employee is satisfied with the latest resolution.

The disciplinary appeal process cannot be utilized for grievances. If an employee wishes to file a grievance, the employee must follow the grievance policy set forth in this Personnel Policy Manual and must do so under separate filings.

14.00 GRIEVANCES

14.01 POLICY

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A grievance may be filed by an employee on one or more of the following grounds: improper application of rules, regulations and procedures (but not the rules, regulations and procedures themselves); unfair treatment; sexual harassment, illegal discrimination based on race, religion, color, sex, age, disability, or national origin; improper application of fringe benefits; or improper working conditions. The grievance procedure cannot be utilized for disciplinary appeals.

The Town of Hollywood Park follows a progressive grievance procedure which ensures the employee due process in the City's consideration of his or her work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

14.02 FINAL AUTHORITY


The Town of Hollywood Park's goal is to treat employees fairly in all respects. Employees who feel they have been subjected to unfair treatment or discrimination have a right to present grievances. Grievances can be appealed through the immediate supervisor to the Mayor, whose decision is final, as to all employees who report to the Mayor and/or City Administrator. For any employees who, by express virtue of a City ordinance, report only to the City Council, may appeal any grievance directly to the City Council.

PASSED AND APPROVED, this, the 16 day of FEBRUARY 2010.



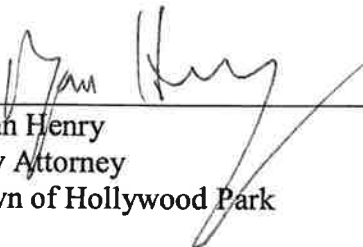
Mr. Richard McIlveen
Mayor
Town of Hollywood Park

ATTEST:



Janice Alamia
City Secretary
Town of Hollywood Park

APPROVED AS TO FORM:



Ryan Henry
City Attorney
Town of Hollywood Park